

EXHIBIT 18

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

OWENS CORNING, et al., Case No. 04-CV-905

Plaintiffs,
v.
601 Market Street
Philadelphia, PA 19106

CREDIT SUISSE FIRST BOSTON,
et al.,

Defendants.. January 18, 2005
2:01 p.m.

TRANSCRIPT OF HEARING
BEFORE HONORABLE JOHN P. FULLAM
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

Special Counsel for
the Debtors:

Debevoise & Plimpton, LLP
By: ROGER E. PODESTA, ESQ.
919 Third Avenue
New York, New York 10022-3904

Skadden Arps
By: D.J. BAKER, ESQ.
Four Times Square
New York, New York 10036

Skadden Arps
By: MARK S. CHEHI, ESQ.
DAVID R. HURST, ESQ.
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899

Audio Operator:

Michael Baker

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DIANA DOMAN TRANSCRIBING
P. O. Box 129
Gibbsboro, NJ 08026
Office: (856) 435-7172
Fax.: (856) 435-7124
E-Mail: Dianadoman@comcast.net

APPEARANCES (CONTINUED):

Counsel for the Debtors:

Saul Ewing LLP
By: HENRY ABRAMS, ESQ.
CHARLES O. MONK, ESQ.
100 South Charles Street
Baltimore, Maryland 21202-2773

Saul Ewing LLP
By: NORMAN L. PERNICK, ESQ.
J. KATE STICKLES, ESQ.
222 Delaware Avenue
P.O. Box 1266
Wilmington, Delaware 19899-1266

For the U.S. Trustee:

Office of the U.S. Trustee
By: FRANK J. PERCH, III, ESQ.
Federal Bldg., 2nd Floor
844 King Street
Wilmington, Delaware 19801

ACC Estimation Counsel:

DeHay & Elliston, LLP
By: GARY D. ELLISTON, ESQ.
901 Main Street, Suite 3500
Dallas, Texas 75202-3736

DeHay & Elliston, LLP
By: R. THOMAS RADCLIFFE, ESQ.
36 S. Charles Street, Suite 1300
Baltimore, Maryland 21201

For the Official Committee
of Asbestos Claimants:

Caplin & Drysdale, Chartered
By: ELIHU INSELBUCH, ESQ.
399 Park Avenue
New York, New York 10022-4614

Caplin & Drysdale, Chartered
By: PETER VAN N. LOCKWOOD, ESQ.
NATHAN FINCH, ESQ.
RITA TOBIN, ESQ.
One Thomas Circle, N.W.
Washington, DC 20005-5802

Campbell & Levine, LLC
By: MARK HURFORD, ESQ.
MARLA ROSOFF ESKIN, ESQ.
800 King Street, Suite 300
Wilmington, Delaware 19801

APPEARANCES (Cont'd):

Legal Representative to
Claimants:

The Law Office of James J. Future
McMonagle
By: JAMES J. McMONAGLE, ESQ.
24 Walnut Street
Chagrin Falls, Ohio 44022

Counsel for Future
Representative:

Kaye Scholer LLP
By: MICHAEL J. CRAMES, ESQ.
425 Park Avenue
New York, New York 10022

Counsel for Future
Representative:

Young Conaway Stargatt & Taylor,
LLP
By: JAMES L. PATTON, JR., ESQ.
EDWIN J. HARRON, ESQ.
SHARON M. ZEIG, ESQ.
1000 West Street, 17th Floor
Wilmington, Delaware 19899-0391

Counsel for Credit Suisse
First Boston:

Landis Rath & Cobb LLP
By: ADAM G. LANDIS, ESQ.
RICHARD S. COBB, ESQ.
REBECCA BUTCHER, ESQ.
919 Market Street, Suite 600
Wilmington, Delaware 19810

Counsel for Credit Suisse
First Boston:

Kramer Levin Naftalis & Frankel
LLP
By: KENNETH H. ECKSTEIN, ESQ.
ELLEN NADLER, ESQ.
JEFFREY S. TRACHTMAN, ESQ.
919 Third Avenue
New York, New York 10022

Counsel for Credit Suisse
First Boston:

Weil, Gotshal & Manges, LLP
By: RICHARD A. ROTHRMAN, ESQ.
MARTIN J. BIENENSTOCK, ESQ.
ADAM STROCHAK, ESQ.
PETER M. FRIEDMAN, ESQ.
767 Fifth Avenue
New York, New York 10153 For

Counsel for Credit Suisse
First Boston:

The Law Office of Ralph Miller
By: RALPH MILLER, ESQ.
100 Crescent Court, Suite 1300
Dallas, Texas 75201-6980

APPEARANCES (Cont'd):

Counsel for Credit Suisse
First Boston:

Weil Gotshal & Manges, LLP
By: DAVID A. HICKERSON, ESQ.
1501 K Street, Suite 100
Washington, DC 20005

Counsel for Unsecured
Creditors' Committee:

Davis Polk & Wardwell
By: STEPHEN H. CASE, ESQ.
450 Lexington Avenue
New York, New York 10017

Counsel for the Unsecured
Creditors' Committee:

Morris, Nichols, Arsh & Tunnell
By: ERIC D. SCHWARTZ, ESQ.
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347

Counsel for the Bondholders/
Trade Creditors:

Anderson Kill & Olick, P.C.
By: J. ANDREW RAHL, JR., ESQ.
1251 Avenue of the Americas
New York, New York 10020

Special Counsel for the
Bondholders/Trade Creditors:

Monzack and Monaco, PA
By: FRANCIS A. MONACO, JR., ESQ.
400 Commerce Center
1201 Orange Street
Wilmington, Delaware 19899

Counsel for Bondholders:

Strook & Strook & Lavan
By: LEWIS KRUGER, ESQ.
KENNETH PASQUALE, ESQ.
1809 Maiden Lane
New York, New York 10038-4982

Counsel for Bondholders:

Duane Morris LLP
By: CHRISTOPHER M. WINTER, ESQ.
RICHARD RILEY, ESQ.
1100 N. Market Street
Suite 1200
Wilmington, Delaware 19801

Counsel for Century
Indemnity:

White & Williams, LLP
By: LINDA M. CARMICHAEL, ESQ.
824 N. Market St., Suite 902
Wilmington, Delaware 19899-0709

APPEARANCES (Cont'd):

Counsel for Century
Indemnity:

O'Melveny & Myers, LLP
By: TANCRED V. SCHIAVONI, ESQ.
GERALD A. STEIN, ESQ.
ROBERT WINTER, ESQ.
Time Square Tower
7 Times Square
New York, New York 10036

Counsel for Kensington
International Ltd.,
Springfield Associates LLC
& Angelo Gordon & Co. L.P.:

Stutman, Treister & Glatt
By: ISAAC M. PACHULSKI, ESQ.
K. JOHN SHAFER, ESQ.
1901 Avenue of the Stars
12th Flor
Los Angeles, California 90067

Counsel for Kensington
International Ltd.,
Springfield Associates LLC
& Angelo Gordon & Co. L.P.:

Potter, Anderson & Corroon LLP
By: DAVID J. BALDWIN, ESQ.
LAURIE SELBER SILVERSTEIN,
ESQ.
Hercules Plaza
1313 N. Market Street
Wilmington, Delaware 19899-0951

I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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FOR THE PLAN PROPONENTS:

Dr. Francine Rabinovitz

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Rabinovitz - Redirect (Par)

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1 Was the Celetex case the first time that you ever served as an
2 expert for a future claims representative?

3 A Yes.

4 Q And I think that the opinion that Mr. Miller had in his
5 book of exhibits, the Celetex opinion said it was 1996. But is
6 it fair to say you were hired a few years before that opinion?

7 A Yes.

8 Q So, that's when -- that's the first time you ever
9 represented a -- served as an estimation expert for a future
10 claims representative.

11 A Yes.

12 Q Correct? And you testified on direct that you also
13 performed estimation services for lots and lots of
14 corporations, defendant corporations, debtors, etcetera. And
15 you testified how --

16 THE COURT: Is it your theory that lawyers get up and
17 tell the witness what they testified to and that solves the
18 problem?

19 MS. PARVER: No. Your Honor --

20 THE COURT: Do you have a question? Let's hear it.

21 MS. PARVER: I'm sorry.

22 THE COURT: So am I. Let's try a question.

23 MS. PARVER: Okay.

24 BY MS. PARVER:

25 Q You represented -- you've been -- you were retained by the

Dr. Weill - Cross (FIN)

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1 A I do.

2 Q And, you have no reason to dispute that; do you, sir?

3 A The only -- no, I don't dispute that. And, it's not
4 counter-intuitive, actually. The only proviso that I would
5 make is that, in fact, the information that we have about the
6 prevalence on the incidents of pleural plagues in the United
7 States is very limited. And, it's very difficult to know --
8 you know, the quality of the information is poor and it's very
9 difficult to know what, in fact, is happening to pleural plague
10 prevalence in the country. There are some data that are
11 obviously being cited here that show this, and that's fine. I
12 have no, you know, reason to dispute it. I'm just saying, it
13 is limited information.

14 Q And, if it's 2.3 percent of U.S. males, millions of men
15 could be walking around with pleural plagues; correct?

16 A That's right.

17 Q Turning to page 15 of the same exhibit, 1640015, the
18 authors of the American Thoracic Society official statement,
19 looking at the first column, the last full paragraph on the
20 page. They state, "Therefore, the presence pleural plagues
21 should be interpreted as a marker for elevated risk of
22 malignancy, which may be higher than occupational history alone
23 might suggest." Did I read that correctly?

24 THE COURT: You did.

25 Q I take it you disagree with that, Dr. Weill?

Dr. Weill - Cross (FIN)

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1 A I disagree that there has been an established relationship
2 between the presence of pleural plaques and elevated risk of
3 malignancy due to asbestos. If you're using the asbestos
4 related -- the plaques as a way of dividing the country, say,
5 into those who have had asbestos and those who have not, that,
6 in fact, is a very different proposition. Then I would think,
7 yeah, those who had exposure to asbestos were more likely to
8 develop some of these related diseases. But if you're using it
9 to say that somebody who worked, who has a plague, that that
10 individual has an increased risk because of that plague, that
11 is a whole other story and that has not been proven.

12 THE COURT: You lost me on that one.

13 DR. WEILL: Okay.

14 THE COURT: If we're talking about people who have
15 the requisite exposure to asbestos products, --

16 DR. WEILL: Yes. Yes.

17 THE COURT: -- 25 years or whatever it is, do those
18 who have plaques, are they more likely to develop malignancy?

19 DR. WEILL: Then exposed people who do not have
20 plaques?

21 THE COURT: Right.

22 DR. WEILL: No, sir. I don't think that's been
23 shown.

24 THE COURT: Well, that's what this just said; isn't
25 it?

Dr. Weill - Cross (FIN)

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1 DR. WEILL: Well, no, not necessarily. One of the
2 problems is that this --

3 THE COURT: It says, "The presence of plaques is
4 associated with a greater risk of mesothelioma and lung cancer
5 compared to the subject of comparable history to asbestos
6 exposure who do not have plaques."

7 DR. WEILL: Well, okay. Then I don't agree with
8 that.

9 THE COURT: You don't agree.

10 DR. WEILL: The way it is said. As I said, if you're
11 using the plaques to indicate that someone had an occupational
12 exposure, that's quite a different thing than saying that
13 people who are in an industrial setting with exposure, if they
14 have a plaque it's a risk factor for malignancy.

15 THE COURT: Well, that's what this does say.

16 DR. WEILL: And, we, in fact, did not find that in
17 the study that we talked about earlier.

18 THE COURT: But these people did, apparently.

19 DR. WEILL: Well, they claim to have.

20 BY MR. FINCH:

21 Q This 12 doctors who -- these 12 doctors who signed onto
22 the 2004 ATS statement did; correct, Dr. Weill?

23 A Well, they've signed onto it.

24 THE COURT: That's what it says. He doesn't agree
25 with it. Okay.

Dr. Weill - Cross (FIN)

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1 BY MR. FINCH:

2 Q Just below that, the 2004 ATS statement states, "That
3 although pleural plaques have long been considered
4 inconsequential markers of asbestos exposure, studies of large
5 cohorts have shown a significant reduction in lung function
6 attributable to the plaques, averaging about five percent of
7 forced vital capacity even when interstitial fibrosis
8 (asbestosis) is absent radiographically." Is that correct?

9 THE COURT: That's what it says. You mean does he
10 agree with it?

11 Q Do you agree with that, sir?

12 A I do agree that pleural thickening can, at times, impair
13 lung function. I've said that on several occasions.

14 Q Now, Mr. Rothman pointed you to two documents that the
15 Plan Proponents --

16 THE COURT: Just ask him your own question. We don't
17 need the history.

18 BY MR. FINCH:

19 Q Sure. Would you turn in your book to Plan Proponent's
20 Exhibit 160, sir?

21 A Is that your -- is this this book?

22 Q My book. The book I gave you.

23 A All right. What's the number?

24 Q It's 160. It's already in evidence, Your Honor.

25 THE COURT: Scandinavian Journal of Work Environment